

REMARKS**INTRODUCTION**

In accordance with the foregoing, claim 1 has been amended. Claims 1-5 and 7-12 are pending and under consideration.

ADVISORY ACTION

In the Advisory Action mailed on August 28, 2008, the Examiner noted that claims still stand rejected. Accordingly, claims 1-5 and 7-12 are rejected under 35 USC 103(a) as being unpatentable over Komma et al. (US 5,644,413) (hereinafter "Komma") in view of Yagi et al. (US 5,754,513) (hereinafter "Yagi").

Claims 1-5 and 7-12

Amended claim 1 recites "...wherein a position of the cylinder is adjustable in the optical axis direction and rotatable around the optical axis direction with respect to the holder." Support for this amendment may be found in at least Figures 2-4 of the present application.

In the Advisory Action, the Examiner relies on Yagi to show an adjustable cylindrical holder. Specifically, the Examiner relies on 61:12-61:19, and claims 1 and 5 of Yagi.

Claim 1 and 61:12-61:19 of Yagi do discuss that the correction lens may be moved in the direction of the optical axis, so that an apparent position of the light beam source of the luminous flux entering into the objective lens 16 is shifted and the aberration of the optical spot is corrected.

However, it is respectfully submitted that this section of Yagi, or any other, does not discuss a position of the cylinder is rotatable around the optical axis direction with respect to the holder as recited in claim 1.

Regarding claim 5 of Yagi, this claim recites that the moving means moves the divergence degree changing means by pivotal movement about an axis perpendicular to the optical axis. Specifically, in Yagi, the moving means moves about an axis **perpendicular** to the optical axis rather than along the optical axis as recited in claim 1.

For example, please refer to Example 30 in Yagi which discusses that this lens is held by a rotating frame 171 which can be rotated around the rotation shaft 172, and the lens is inserted into and removed from the optical path by rotating the rotating frame 171. The rotation shaft 172 rotates perpendicular to the direction in which the optical pick-up apparatus 10 is moved by the

feed motor in the direction of the inner and outer periphery of the information recording medium 90, and thereby, jolting generated when the optical pick-up is driven by the feed motor, is reduced. Thereby, the following disadvantages in which the optical axis entering into the objective lens is shifted due to this jolting; the position of the optical spot is also shifted; and specifically, the tracking becomes unstable. Yagi, 62:13-62:25 and Figure 73.

This technical feature of claim 1 provides that a phase of the wavelength plate can be adjusted by changing an installation angle of the wavelength plate due to the rotation of the cylinder along the optical axis. For exemplary purposes, please refer to Figure 4 of the present application.

Claims 2-5 and 7-12 depend on claim 1 and are therefore believed to be allowable for at least the foregoing reasons.

Withdrawal of the foregoing rejections is requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: September 11, 2008

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